federal register

Wednesday
May 2, 1979

Part III

Federal Emergency Management Agency

Establishment of CFR Title and Chapter

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Chapter I

Establishment of Title and Chapter

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979 by Executive Order 12127 of March 31, 1979, "Federal Emergency Management Agency". This plan, and an executive order to be issued in the near future, will transfer to the new agency functions to five existing agencies. Since these agencies have regulations separately published in four different titles of the Code of Federal Regulations (Titles 24, 32, 32A and 45), it would be beneficial to consolidate and codify them in a single new title of the Code.

It has been determined that publication of this rule as a proposal for public comment is unnecesary as it deals only with establishment and arrangement of the title.

Therefore this publication establishes that title and describes the Subchapters of Chapter I titled "Federal Emergency Management Agency".

EFFECTIVE DATE: May 2, 1979.

ADDRESS: Federal Emergency Management Agency, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: George W. Jett, Acting General Counsel, Federal Emergency Management Agency, Washington, DC 20472, Phone: AC 202 632-9680.

SUPPLEMENTARY INFORMATION:

Functions Transferred by Reorganization Plan No. 3 of 1978

Reorganization Plan No. 3 transfers to FEMA functions, including those established under the following statutes:

(a) The Federal Fire Prevention and Control Act of 1974, as amended, (15 U.S.C. 2201 *et seq*).

(b) The National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, (42 U.S.C. 4001 *et seq*).

(c) Title XII of the National Housing Act, as amended, (12 U.S.C. 1749bbb *et seq*).

Oversight functions in connection with the Emergency Broadcast System were also transferred to FEMA by the Reorganization Plan.

Functions To Be Transferred by Executive Order

The President's message transmitting the Reorganization Plan to Congress (Weekly Compilation of Presidential Documents, Vol. 15, p. 1129, June 19, 1978) states that all authorities and functions vested by law in the President under the Federal Civil Defense Act of 1950, as amended, (50 U.S.C. App. 2251 *et seq*) and the Disaster Relief Acts of 1970 and 1974, as amended (42 U.S.C. 4401 *et seq* and 42 U.S.C. 5121 *et seq*) are to be transferred to FEMA.

The Presidential authorities presently vested in the Federal Preparedness Agency (to include policy formulation for the National Stockpile) are to be transferred to FEMA.

Additional functions not presently assigned to any of the five agencies are to be delegated to FEMA. These include oversight responsibility for the earthquake hazards reduction program, coordination of the dam safety program, community readiness for severe weather related emergencies, disaster warning coordination and coordination of preparedness activities to reduce the consequences of major terrorist incidents.

Establishment and Organization of Title

With the anticipated transfer of those functions not presently a part of FEMA, with the transfers which have occurred, and because FEMA can be expected to issue new regulations for functions not currently addressed, it will be advantageous to consolidate the various program regulations appearing in four different titles of the Code of Federal Regulations.

Therefore, all regulations presently transferred or to be moved into FEMA will be reorganized into a single title, "Federal Emergency Management and Assistance". Chapter I will pertain to the Federal Emergency Management Agency.

Subchapter A sets forth regulations with general applicability to all FEMA components; these regulations will address such areas as the Statement of Organization, the Freedom of Information Act, issue and review of regulations, and standards of conduct.

Subchapter B and C are regulations transferred from the Federal Insurance Administration and the United States Fire Administration.

Subchapter D and E, upon issuance of the proposed executive order, will be regulations transferred from the Federal Disaster Assistance Administration, the Defense Civil Preparedness Agency, and the Federal Preparedness Agency.

Remaining subchapters will be reserved for any additional agency functions, and other chapters can deal with other agencies.

Accordingly, a new Title 44 of the Code of Federal Regulations entitled "Federal Emergency Management and Assistance" is hereby established with the following Chapter I and subchapters A–E.

Title 44

Chapter I—Federal Emergency Management Agency
Subchapter A—General
Parts 0–49—
Subchapter B—Federal Insurance and Hazard Mitigation
Parts 50–149—
Subchapter C—Fire Prevention and Control
Parts 150–199—
Subchapter D—Disaster Assistance
Parts 200–299—
Subchapter E—Preparedness
Parts 300–399—

Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127 dated March 31, 1979 (44 FR 19367).)

Dated: April 26, 1979.

Gordon Vickery,
Acting Director.

[FR Doc. 79-13649 Filed 5-1-79; 8:45 am]
BILLING CODE 4210-23-M